

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JACQUELINE REED, KEVIN STINSON,
EILEEN D. HALL, TERRELL ELEAM,
DELANO THOMAS,

08cv1186
ELECTRONICALLY FILED

Plaintiff(s),

v.

INTERNATIONAL UNION OF PAINTERS,
ALLIED TRADES, DISTRICT COUNCIL #57,
DRYWALL UNION, LOCAL 2006,

Defendant(s).

[draft] ORDER REFERRING CASE TO A SPECIAL MASTER

IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 53, the Court, after providing notice and an opportunity to object thereto, hereby appoints special master Lisa Silverman.

IT IS HEREBY ORDERED that the powers of the Special Master shall be as follows:

- (a) To resolve and decide pending summary judgment motions (doc. nos. 93, 95, 99 and 102) after first resolving pending motions to compel, and allowing parties the opportunity to supplement their summary judgment filings; and
- (b) To perform such other acts as the parties agree upon and the Court subsequently approves.

IT IS HEREBY ORDERED that appeals from the special master's report and recommendations regarding summary judgment shall be filed with the Court no later than five (5) business days after the report and recommendation is communicated to the parties, and opposition to the appeal shall be filed no later than five (5) business days after the filing of the appeal. Appeals and oppositions shall be submitted in the form of a letter brief, not to exceed five (5) pages in length, and no more than one brief shall be filed in support of the appeal or in

opposition thereto, regardless of the number of parties appealing or opposing the appeal. Any appellant who submits and loses three (3) appeals shall, upon losing any subsequent appeal, be subject, in the Court's discretion, to a monetary sanction, but in no event shall the sanction exceed \$500.

IT IS HEREBY ORDERED that the special master may communicate with the Court *ex parte* on all matters as to which the special master has been empowered to act.

IT IS HEREBY ORDERED that if the special master declines or subsequently becomes unable to serve, the parties shall agree upon a new special master, and if the parties cannot agree, the Court shall so appoint, after consultation with counsel from the parties.

IT IS HEREBY STIPULATED AND ORDERED that the fees of the special master shall be divided as follows: 1/3 from plaintiffs, 1/3 from Union Defendants, and 1/3 from Employer/Corporate Defendants. The hourly rate of Special Master Silverman is \$250.00, plus reasonable expenses.

SO ORDERED this ____ day of August, 2009.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record